



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

via UPS

DEC 22 2011

Paul Persing, Environmental Manager
Sunoco Inc.
4701 Margaret and Bermuda Street
Philadelphia, PA 19137

Re: Request for Information Pursuant to Section 3007(a) of the Resource
Conservation and Recovery Act, 42 U.S.C. § 6927(a), Regarding Generation and
Management of Hazardous Waste by Sunoco Inc.
EPA ID No. PAD002312791
Reference Number: C12-006

Dear Mr. Persing:

The U.S. Environmental Protection Agency, Region III ("EPA") is requesting information to supplement the information obtained during its inspection of the Sunoco Inc. facility located in Philadelphia, PA ("Sunoco" or the Facility) on September 28 & 29, 2010. EPA is requesting this information pursuant to the authority granted to it under Section 3007(a) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6927(a), which provides in relevant part that "any person who generates, stores, treats, transports, disposes of, or otherwise handles or has handled hazardous wastes shall, upon request of any officer, employee or representative of the Environmental Protection Agency, duly designated by the Administrator, . . . furnish information relating to such wastes" EPA hereby requires that you furnish to EPA, within **twenty-one (21) calendar days** of receipt of this letter, the information requested below, including all documents responsive to such request.

For each and every request, if you have any reason to believe that there may be a person(s) who may be able to provide a more detailed or complete response to such request or may be able to provide additional responsive documents, then as a part of your response to such request, identify each such person and the additional information or documents which such person may be able to provide. Furthermore, for each and every response, if information or documents responsive to such request are not in your possession, custody or control, then as part of your response to such request, identify each person from whom such information or documents may be obtained.

Please provide a separate narrative response to each information request. Precede each answer with the number of the question or letter of the subpart of the request to which it

corresponds. A request for documents shall be construed as a request for any and all documents maintained by you or in your custody, control, or possession or in the possession, custody or control of any of your employees or agents, relating to the matters described below. For each copy of a document produced in response to this request, indicate on such copy, or in some other reasonable manner, the number of the request to which it responds, the current location and custodian of the original, the date such original was prepared, the person(s) who prepared the original, and the date the document became effective at the Facility. All copies of documents submitted to EPA in response to the following requests must be complete and legible.

As used herein, the term "document" means: writings (handwritten, typed or otherwise produced or reproduced) and includes, but is not limited to, any invoices, checks, receipts, bills of lading, weight receipts, toll receipts, correspondence, offers, contracts, agreements, deeds, leases, manifests, licenses, permits, bids, proposals, policies of insurance, logs, books of original entry, minutes of meetings, memoranda, notes, calendar or daily entries, agendas, bulletins, notices, announcements, charts, maps, photographs, drawings, manuals, brochures, reports of scientific study or investigation, schedules, price lists, telegrams, teletypes, phonograph records, magnetic voice or video records, tapes, summaries, magnetic tapes, punch cards, recordings, discs, computer print outs, or other data compilations from which information can be obtained or translated.

All other terms used in this request for information that are defined in RCRA, 42 U.S.C. §§ 6901 *et seq.*, 40 C.F.R. Parts 260-266 and 268, or Code of Maryland Regulations Title 26 Subtitle 13 ("COMAR") shall have the meanings set forth therein.

Information Request

1. Subsequent to EPA's September 28, 2010 inspection, a report was received that the Facility had been receiving shipments of K022 phenol-related waste from another Sunoco facility in Haverhill, Ohio. Regarding this subject, please provide the following:
 - a. Has the Facility ever received waste from another facility, including but not limited to any type of phenol-containing waste, waste which would normally carry EPA Hazardous Waste Code K022, or any other waste which could be considered Solid Waste and/or Hazardous Waste?
 - b. If the answer to the above question is yes, please provide a detailed narrative of what types of wastes have been received, under what circumstance(s), and for what reason(s)
 - c. For **each** such shipment received by the Facility from the period of December 2006 to the present, please provide the following:
 - i. The date the shipment was received
 - ii. A detailed description of the source of the material, including the name

- and address of the generator and the process whereby the waste was generated
- iii. The amount of waste received in the shipment
 - iv. Provide copies of all bills of lading, manifests (including but not limited to hazardous waste manifests), shipping invoices, and LDR notices and certifications that accompanied and/or refer to each such shipment of this waste received at the Facility.
 - v. The original date(s) of generation of the material contained in the shipment
 - vi. State whether a "waste determination" and "LDR determination" has been made for the material
 - vii. If a "waste determination" and "LDR determination" has been made, state when such a determination(s) was made and the results of such determination(s)
 - viii. If the material has been determined to be "Hazardous Waste," please state the specific EPA Hazardous Waste Code(s) associated with such Hazardous Waste. If it has been determined not to be Hazardous Waste, explain the reasons for such determination.
 - ix. State whether any Hazardous Waste determination made for such waste was based on the generator's or the Facility's knowledge of the process that generated the waste, or upon analytic results. If a determination was made on the basis of process knowledge, describe in detail the scientific rationale for such a determination. If the determination was based on analytical results, describe the sampling procedures and provide copies of any and all such results.
 - x. Please state if the material has been removed and/or shipped off-site and the date of such removal and/or shipment(s). If the material has not been shipped off-site, state its current location and explain why it has not been shipped off-site. If the material has been treated and/or disposed of onsite, please describe in detail the method(s) and date(s) of treatment and/or disposal and the final destination(s) of the material
 - xi. If the material was shipped off-site, provide copies of all bills of lading, manifests (including but not limited to hazardous waste manifests), shipping invoices, and LDR notices and certifications that accompanied and/or refer to each off-site shipment of this waste.

The provisions of Section 3008 of RCRA, 42 U.S.C. § 6928, authorize EPA to pursue penalties for failure to comply with or respond adequately to an information request under Section 3007(a) of RCRA. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information you provide may be used by EPA in administrative, civil or criminal proceedings.

Your response must include the following signed and dated certification:

I certify that the information contained in this response to EPA's request

for information and the accompanying documents is true, accurate and complete. As to the identified portions of this response for which I cannot personally verify their accuracy, I certify under penalty of law that this response and all attachments were prepared in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

Signature: _____
Name: _____
Title: _____

Your Facility is entitled to assert a claim of business confidentiality covering any part or all of the information submitted, in a manner described in 40 C.F.R. § 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with 40 C.F.R. Part 2, Subpart B. Unless a claim of business confidentiality is asserted at the time the requested information is submitted, EPA may make this information available to the public without further notice to your Facility.

This request for information is not subject to review by the Office of Management and Budget pursuant to the Paperwork Reduction Act, 44 U.S.C. §§ 3501-3520.

Please send your response to:

Martin Matlin (3LC70)
U.S. Environmental Protection Agency - Region III
1650 Arch Street
Philadelphia, PA 19103-2029

If you have any questions concerning this matter, please contact Mr. Matlin at (215) 814-5789.

Sincerely,



Carol Amend, Associate Director
Land and Chemicals Division
Office of Land Enforcement

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

I certify that the information contained in this response to EPA's request for information and the accompanying documents is true, accurate and complete. As to the identified portions of this response for which I cannot personally verify their accuracy, I certify under penalty of law that this response and all attachments were prepared in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

NAME (print or type)

SIGNATURE

DATE



David C. Kurland
Chief Counsel
Sunoco, Inc. (R&M)
100 Green Street
Marcus Hook, PA 19061
215-880-9855
dckurland@sunocoinc.com

Via certified mail
Tracking # 7006 0810 0002 4542 7855

January 17, 2012

Mr. Martin Matlin (3LC70)
U.S. Environmental Protection Agency - Region III
1650 Arch Street
Philadelphia, PA 19103-2029

Re: RCRA Information Request
Sunoco Inc. (R&M) Frankford Plant, EPA ID No. PAD0023 12791
Reference Number: C12-006

Dear Mr. Matlin:

Sunoco, Inc. (R&M) ("Sunoco") hereby responds to the Request for Information referenced above relating to the Sunoco Frankford Plant located at Margaret and Bermuda Streets in Philadelphia, PA (the "Frankford Plant").

Request 1: *Subsequent to EPA's September 28, 2010 inspection, a report was received that the Facility had been receiving shipments of K022 phenol-related waste from another Sunoco facility in Haverhill, Ohio. Regarding this subject, please provide the following:*

Request 1.a. *Has the Facility ever received waste from another facility, including but not limited to any type of phenol-containing waste, waste which would normally carry EPA Hazardous Waste Code K022, or any other waste which could be considered Solid Waste and/or Hazardous Waste?*

Response: The report received by EPA mischaracterizes an intermediate phenol stream that Sunoco transferred from its plant in Haverhill, Ohio (the "Haverhill Plant") to the Frankford Plant between March 2008 and July 2011. This phenol intermediate was processed in the Frankford Plant's phenol purification columns as part of the on-going commercial chemical product phenol manufacturing process.

January 17, 2012

In February 2007 Sunoco sought a determination by the Pennsylvania Department of Environmental Protection ("PADEP"), pursuant to its delegated authority for the RCRA program, that the phenol intermediate was not a waste. Sunoco's letter to PADEP describing the phenol intermediate and the proposed transfer to the Frankford Plant is **Attachment 1** hereto. At Sunoco's invitation the Director of the PADEP Bureau of Waste Management and his staff visited and toured the Frankford Plant and reviewed and discussed details of Sunoco's proposal regarding phenol intermediate. PADEP's written response dated March 13, 2007 (**Attachment 2**) states:

[T]he Department does not consider that intermediate product stream to be a waste. Therefore, you are not required to secure waste management authorizations from the Department for the transportation, storage, or processing of that material.

Sunoco's May 2007 notification to the Ohio Environmental Protection Agency regarding the transfer of phenol intermediate from the Haverhill Plant to the Frankford Plant is **Attachment 3** hereto.

Sunoco began transfer of commercial quantities of phenol intermediate to the Frankford Plant in March 2008 by tank truck, and then switched to the exclusive use of rail cars in late April 2008. The final receipt of phenol intermediate at the Frankford Plant occurred in early July 2011. **Attachment 4** is a spreadsheet summarizing the receipt of phenol intermediate by the Frankford Plant. The Frankford Plant was sold to a third party effective July 22, 2011. Processing of all phenol intermediate received by the Frankford Plant from the Haverhill Plant was completed prior to the effective date of that sale.

Request 1.b. *If the answer to the above question is yes, please provide a detailed narrative of what types of wastes have been received, under what circumstance(s), and for what reason(s)*

Response: Please see Sunoco's response to Request 1.a. above.

Request 1.c. *For each such shipment received by the Facility from the period of December 2006 to the present, please provide the following:*

i. *The date the shipment was received*

Response: Please see Sunoco's response to Request 1.a. above.

ii. *A detailed description of the source of the material, including the name and address of the generator and the process whereby the waste was generated*

Response: Please see Sunoco's response to Request 1.a. above.

iii. *The amount of waste received in the shipment*

Response: Please see Sunoco's response to Request 1.a. above.

iv. *Provide copies of all bills of lading, manifests (including but not limited to hazardous waste manifests), shipping invoices, and LDR notices and certifications that accompanied and/or refer to each such shipment of this waste received at the Facility.*

Response: Please see Sunoco's response to Request 1.a. above.

v. *The original date(s) of generation of the material contained in the shipment*

Response: Please see Sunoco's response to Request 1.a. above.

vi. *State whether a "waste determination" and "LDR determination" has been made for the material*

Response: Please see Sunoco's response to Request 1.a. above.

vii. *If a "waste determination" and "LDR determination" has been made, state when such a determination(s) was made and the results of such determination(s)*

Response: Please see Sunoco's response to Request 1.a. above.

viii. *If the material has been determined to be "Hazardous Waste," please state the specific EPA Hazardous Waste Code(s) associated with such Hazardous Waste. If it has been determined not to be Hazardous Waste, explain the reasons for such determination*

Response: Please see Sunoco's response to Request 1.a. above.

ix. *State whether any Hazardous Waste determination made for such waste was based on the generator's or the Facility's knowledge of the process that generated the waste, or upon analytic results. If a determination was made on the basis of process knowledge, describe in detail the scientific rationale for such a determination. If the determination was based on analytical results, describe the sampling procedures and provide copies of any and all such results*

Response: Please see Sunoco's response to Request 1.a. above.

x. *Please state if the material has been removed and/or shipped off-site and the date of such removal and/or shipment(s). If the material has not been shipped off-site, state its current location and explain why it has not been shipped off-site. If the material has been treated and/or disposed of onsite, please describe in detail the method(s) and date(s) of treatment and/or disposal and the final destination(s) of the material*

Response: Please see Sunoco's response to Request 1.a. above.

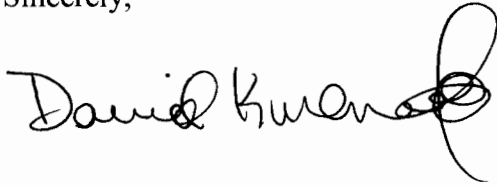
Mr. Martin Matlin
January 17, 2012

xi. *If the material was shipped off-site, provide copies of all bills of lading, manifests (including but not limited to hazardous waste manifests), shipping invoices, and LDR notices and certifications that accompanied and/or refer to each off-site shipment of this waste.*

Response: Please see Sunoco's response to Request 1.a. above.

Sunoco appreciates your attention to this matter. Please feel free to contact me if you have further questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "David Kurland", with a large, stylized flourish at the end.

David Kurland, Esq.

Mr. Martin Matlin
January 17, 2012

CERTIFICATION

RCRA Information Request
Sunoco Inc. (R&M) Frankford Plant, EPA ID No. PAD0023 12791
Reference Number: C12-006

I hereby certify that the information contained in this response is true, accurate and complete to the best of my knowledge, information and belief after reasonable inquiry.

A handwritten signature in cursive script, reading "John D. Pickering", is written over a horizontal line.

John D. Pickering
Senior Vice President, Manufacturing
Sunoco, Inc. (R&M)

Attachment 1

February 23, 2007

Ken Reisinger
Director, Pennsylvania Department of Environmental Protection
Bureau of Waste Management
Rachel Carson State Office Building
P.O. Box 8471
Harrisburg, PA 17105-8471

Re: Phenol Intermediate Stream at Frankford Facility

Dear Mr. Reisinger:

Thank you for the opportunity recently to discuss a project that we are investigating with our sister plant in Haverhill, Ohio. As we discussed at our meeting, we are investigating our options for bringing a phenol intermediate stream containing approximately 30% phenol from the Haverhill Plant to the Frankford Plant to recover in our process. Taking this stream from the Haverhill Plant to Frankford for recovery would allow us to recovery a higher amount of phenol than is currently recovered, reduce energy consumption overall, and eliminate the need for a BIF boiler at Haverhill. Because of the nature of the production process at Frankford, the identified stream fits nicely into our operation without changes in the method of operation.

We have reviewed the regulatory issues associated with this project and believe that the transferred stream would not be a waste material. However, the success of this project depends on this determination, so we would like to proactively open discussions with the Agency to review the details of the project and obtain the Agency's opinion.

I have enclosed a few diagrams of the Haverhill and Frankford processes to show the distillation process and where the relative streams would be removed and inserted. Figure 1 is a simplified drawing of the distillation process at Haverhill that shows their process for producing the products and identifies where the streams end up in heavy ends treatment. Figure 2 is an overview of the heavy ends treatment process showing the processes that the heavy materials are subjected to and where the proposed intermediate stream would be collected versus where it is designated as a K022 waste stream now. Figure 3 is an overview of the distillation process at Frankford showing how the current material is processed and where the intermediate stream would be added to the process.

Sunoco would welcome the opportunity to discuss this proposed project further with you or someone you designate in your Department. Please feel free to contact me at (215) 807-8503 so we can arrange a meeting time to discuss this further.

Sincerely,

Chris Bland
Regional HES manager

FIGURE 1

HAVERHILL PHENOL UNIT 2 DISTILLATION

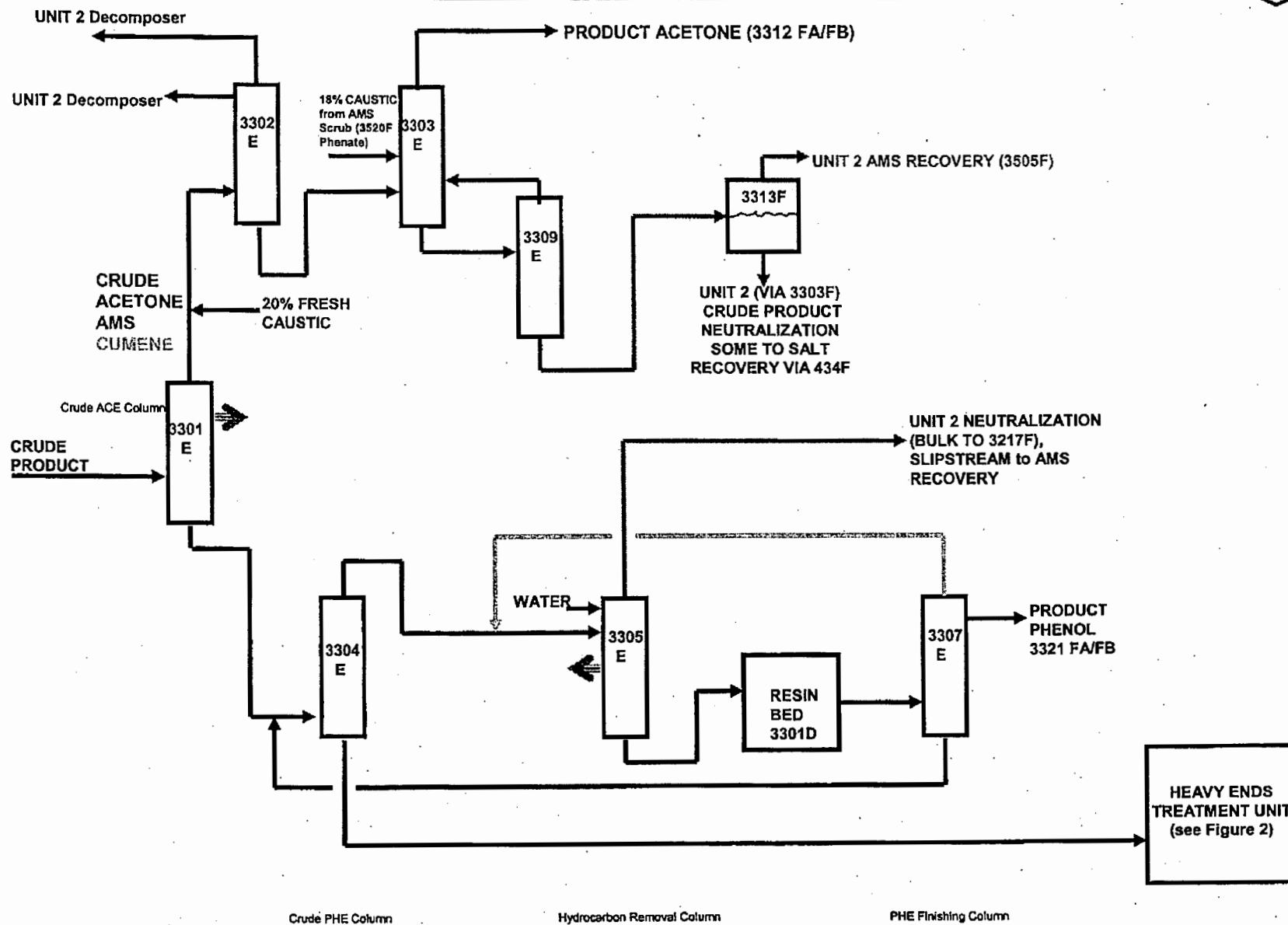


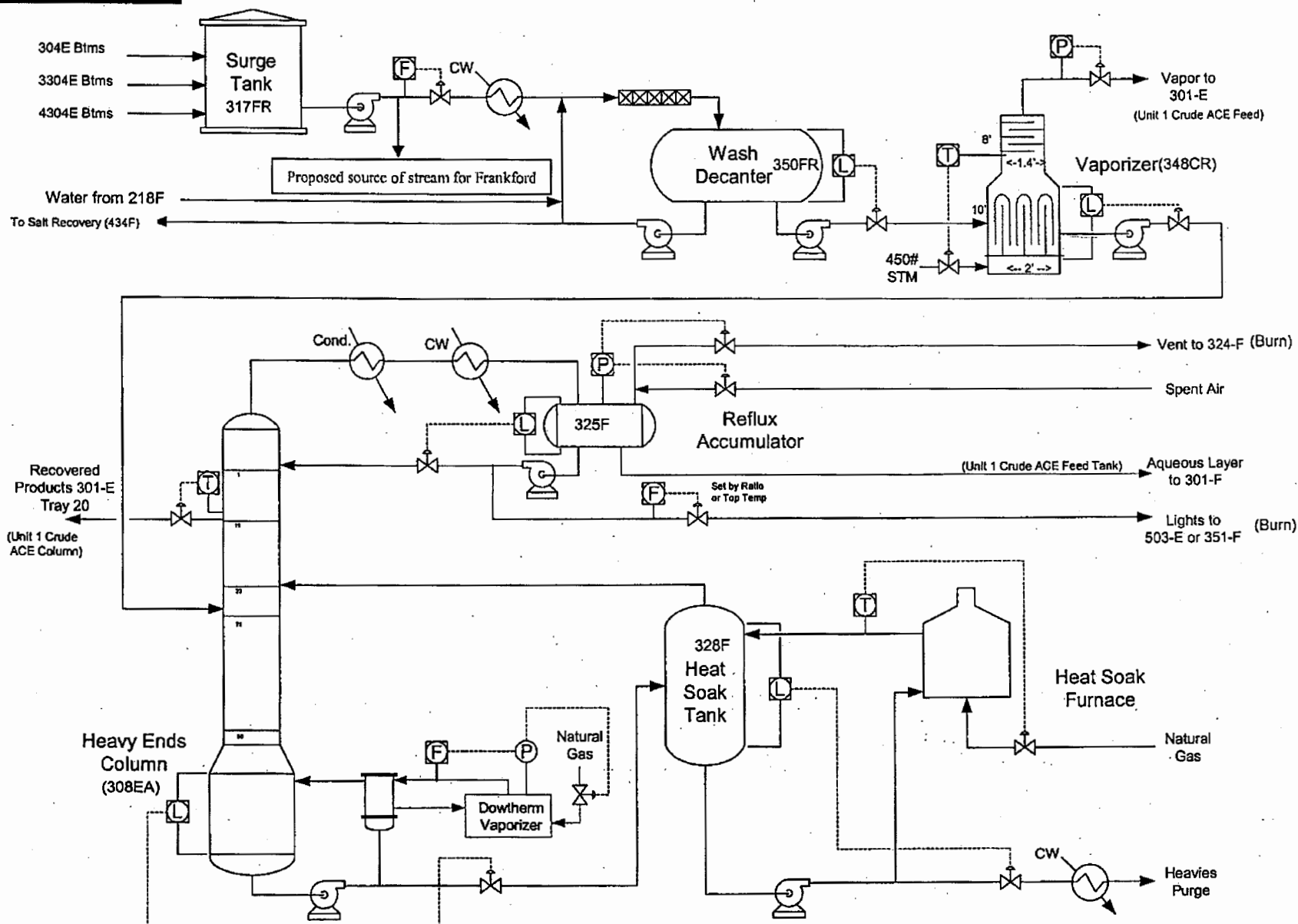
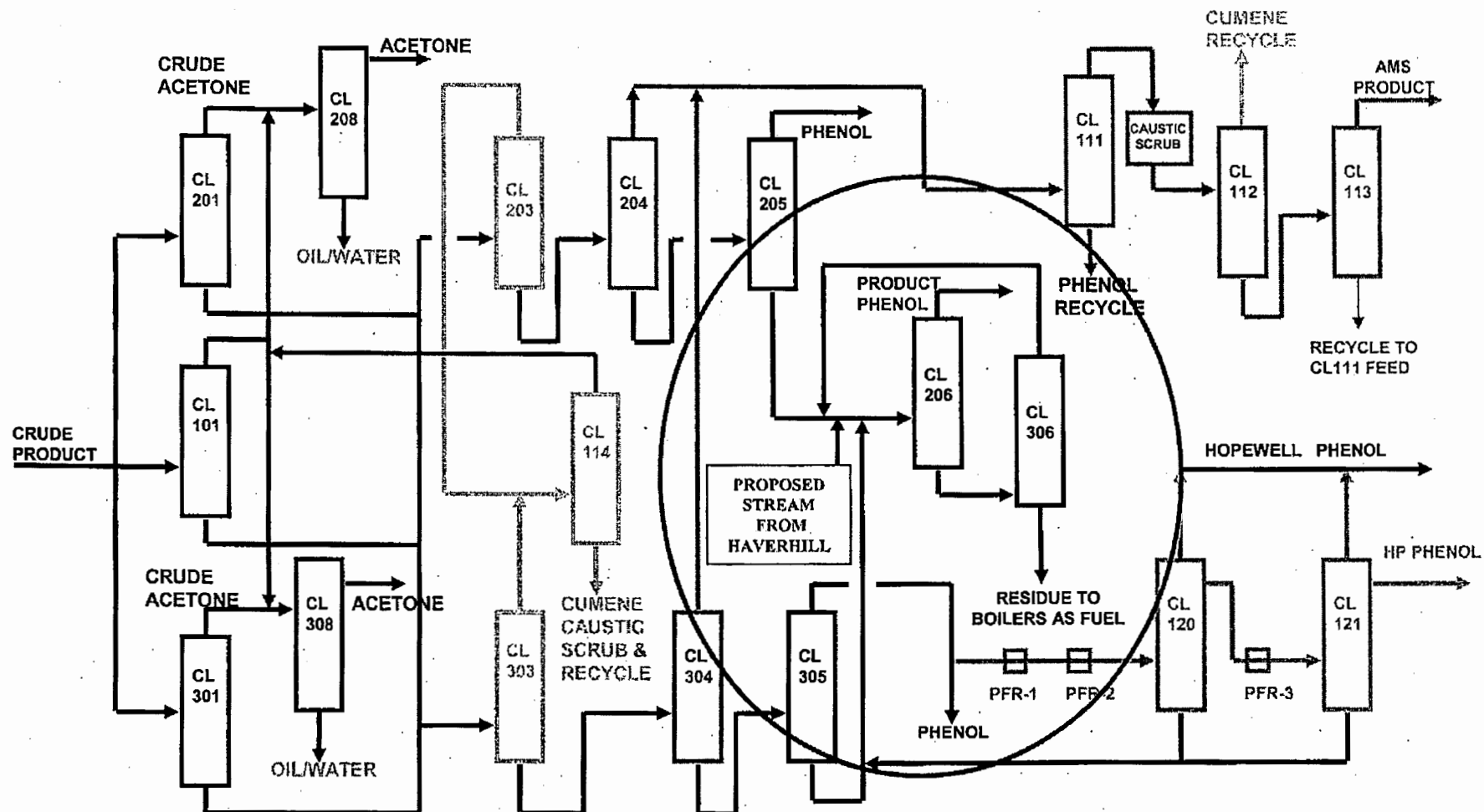
FIGURE 2**HAVERHILL HEAVY ENDS (CRACKING) TREATMENT**

FIGURE 3

FRANKFORD PHENOL PLANT DISTILLATION



Attachment 2



Pennsylvania Department of Environmental Protection

Rachel Carson State Office Building
P.O. Box 8471
Harrisburg, PA 17105-8471
March 13, 2007

Bureau of Waste Management

717-783-2388

Mr. Chris Bland
Sunoco, Inc.
Margaret & Bermuda Streets
Philadelphia, PA 19137-1193

Dear Mr. Bland:

Sharon Trostle and I would like to express our appreciation for Sunoco's hospitality and tour of your Frankford facility last month. In addition, we would like to thank Pam Witmer for making the arrangements and coordinating our visit with you. As a relatively new manager in the waste program, I find these meeting opportunities educational and beneficial for my professional development.

In regards to our discussion and your February 23, 2007, letter outlining your proposal to bring a phenol intermediate stream from your Haverhill, Ohio, facility to your Frankford plant, the Department does not consider that intermediate product stream to be waste. Therefore, you are not required to secure waste management authorizations from the Department for the transportation, storage, or processing of that material.

It was a pleasure meeting you and the management team at Sunoco's Frankford Plant. If you have any questions or require additional information, please feel free to contact me by phone at (717) 783-2388 or by e-mail at kereisinge@state.pa.us.

Sincerely,

Kenneth R. Reisinger
Director

cc: Sharon Trostle
Ron Furlan
Pam Witmer



Attachment 3



May 16, 2007

Sunoco Chemicals
Haverhill Plant
1019 Haverhill-Ohio Furnace Road
PO Box 180
Haverhill OH 45636
740 532 3420 Phone

Director, Ohio Environmental Protection Agency
C/O Ms. Pam Allen, Manager
DHWM – Regulatory and Information Services
50 West Town Street, Suite 700
Columbus, Ohio 43215

Re: Notification of Phenol Intermediate Product Transfer to Sunoco Frankford Facility

Dear Ms. Allen:

Sunoco would like to take this opportunity to provide you notification of a collaborative project between the two Sunoco phenol manufacturing facilities to increase phenol yield, conserve energy and reduce the amount of waste generated at the Haverhill site. The project will transfer an intermediate material that contains approximately 30% phenol from the Sunoco Haverhill Plant to the Sunoco Frankford Plant in Philadelphia, Pennsylvania. The material would then be fed into an intermediate stage of the existing phenol manufacturing process at Frankford, which is more efficient than the process currently employed at Haverhill. Processing this material at Frankford would allow Sunoco to maximize efficiency across both plants, increase overall phenol yield, and reduce the volume of waste and emissions generated at the Haverhill site.

Sunoco has reviewed the regulatory issues associated with this project and determined that the intermediate material is a product, not a waste material. The Pennsylvania Department of Environmental Protection agrees with this determination and provided a confirming letter to the Frankford Plant staff. Based on this review, we are proceeding with the scheduled trial. The initial shipment of material for a plant trial is scheduled to take place in June, 2007.

Please find enclosed a copy of the letter from the Sunoco Frankford Plant to PADEP which provides descriptions, overviews, diagrams of the processes and associated product streams, as well as a copy of PADEP's response.

If you have further questions or comments feel free to contact Jason Patrick at 740-533-5267.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew E. Lett". The signature is fluid and cursive, with a prominent loop at the end.

Andrew E. Lett
Regional HES Manager

Attachments:

cc: Vicky German, Ohio EPA Southeast District Office
Chris Bland
Melissa Essman
Wayne Kinnel
Jason Patrick

Attachment 4

Month	# rail cars of Phenol Intermediate unloaded at Frankford Plant	# tank trucks of Phenol Intermediate unloaded at Frankford Plant
March '08	0	59
April	0	51
May	9	0
June	12	0
July	14	0
Aug	16	0
Sept	21	0
Oct	15	0
Nov	13	0
Dec	18	0
Jan '09	9	0
Feb	2	0
March	10	0
April	11	0
May	6	0
June	8	0
July	7	0
Aug	4	0
Sept	6	0
Oct	5	0
Nov	8	0
Dec	4	0
Jan '10	6	0
Feb	8	0
March	9	0
April	7	0
May	9	0
June	13	0
July	18	0
Aug	14	0
Sept	20	0
Oct	16	0
Nov	13	0
Dec	7	0
Jan '11	9	0
Feb	16	0
March	21	0
April	19	0
May	16	0
June	9	0
July	15	0
Aug	0	0
Sept	0	0
Oct	0	0
Nov	0	0
Dec	0	0
Jan '12	0	0



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

FEB 06 2012

via UPS

David Kurland, Chief Counsel
Sunoco, Inc.
100 Green St.
Marcus Hook, PA 19061

Re: Request for Information Pursuant to Section 3007(a) of the Resource
Conservation and Recovery Act, 42 U.S.C. § 6927(a), Regarding Generation and
Management of Hazardous Waste by Sunoco Inc.
EPA ID Nos. PAD002312791 & OHD005108477
Reference Number: C12-008

Dear Mr. Kurland:

The U.S. Environmental Protection Agency, Region III ("EPA") is requesting information to supplement the information obtained during its inspection of the Sunoco Inc. facility located in Philadelphia, PA ("Sunoco" or the Facility) on September 28 & 29, 2010. EPA is requesting this information pursuant to the authority granted to it under Section 3007(a) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6927(a), which provides in relevant part that "any person who generates, stores, treats, transports, disposes of, or otherwise handles or has handled hazardous wastes shall, upon request of any officer, employee or representative of the Environmental Protection Agency, duly designated by the Administrator, . . . furnish information relating to such wastes" EPA hereby requires that you furnish to EPA, within **fifteen (15) calendar days** of receipt of this letter, the information requested below, including all documents responsive to such request.

For each and every request, if you have any reason to believe that there may be a person(s) who may be able to provide a more detailed or complete response to such request or may be able to provide additional responsive documents, then as a part of your response to such request, identify each such person and the additional information or documents which such person may be able to provide. Furthermore, for each and every response, if information or documents responsive to such request are not in your possession, custody or control, then as part of your response to such request, identify each person from whom such information or documents may be obtained.

Please provide a separate narrative response to each information request. Precede each answer with the number of the question or letter of the subpart of the request to which it

corresponds. A request for documents shall be construed as a request for any and all documents maintained by you or in your custody, control, or possession or in the possession, custody or control of any of your employees or agents, relating to the matters described below. For each copy of a document produced in response to this request, indicate on such copy, or in some other reasonable manner, the number of the request to which it responds, the current location and custodian of the original, the date such original was prepared, the person(s) who prepared the original, and the date the document became effective at the Facility. All copies of documents submitted to EPA in response to the following requests must be complete and legible.

As used herein, the term "document" means: writings (handwritten, typed or otherwise produced or reproduced) and includes, but is not limited to, any invoices, checks, receipts, bills of lading, weight receipts, toll receipts, correspondence, offers, contracts, agreements, deeds, leases, manifests, licenses, permits, bids, proposals, policies of insurance, logs, books of original entry, minutes of meetings, memoranda, notes, calendar or daily entries, agendas, bulletins, notices, announcements, charts, maps, photographs, drawings, manuals, brochures, reports of scientific study or investigation, schedules, price lists, telegrams, teletypes, phonograph records, magnetic voice or video records, tapes, summaries, magnetic tapes, punch cards, recordings, discs, computer print outs, or other data compilations from which information can be obtained or translated.

All other terms used in this request for information that are defined in RCRA, 42 U.S.C. §§ 6901 *et seq.*, 40 C.F.R. Parts 260-266 and 268, or 25 Pa. Code Chapters 260a-266a, 266b, and 268a shall have the meanings set forth therein.

Information Request

EPA has received your response dated 1/17/12 to our previous information request. However, the submission appears insufficiently detailed to allow for adequate review. Please provide the following:

1. It is unclear from "Figure 1" which of the Haverhill Phenol Unit 2 Distillation process units was generating the material stream that was ultimately sent to the Frankford Plant for recovery. Please submit a more detailed process flow diagram which identifies each process unit and such unit's specific purpose, the type(s) of material(s) being managed in each of the process units, and which material was ultimately sent to the Frankford Plant. In addition, please provide a detailed narrative which describes the process flow for the Haverhill Phenol Unit 2 Distillation process, including a specific description of the process or processes which produced the material sent to the Frankford Plant for recovery.
2. It is also unclear from "Figure 2" what types of materials were being managed and generated by the Haverhill Heavy Ends (Cracking) Treatment process, including the material stream that was ultimately sent to the Frankford Plant for recovery. Please submit a more detailed process flow diagram which identifies each process unit and such unit's specific purpose, the type(s) of material(s) being managed in each of the process

units, and which material was ultimately sent to the Frankford Plant. In addition, please provide a detailed narrative which describes the process flow for the Haverhill Heavy Ends (Cracking) Treatment process, including a specific description of the process or processes which produced the material sent to the Frankford Plant for recovery.

3. Please also supply a detailed narrative describing how the type of material which was sent to the Frankford Plant was otherwise handled when it was not sent to the Frankford Plant for recovery, including any further processing and/or management and disposal procedures occurring at the Haverhill Plant or at any other off-site location, which should also be identified. Please include a description of its final destination if not sent to the Frankford Plant.
4. With respect to "Figure 3," Frankford Phenol Plant Distillation, please submit a more detailed process flow diagram which clearly identifies where the material from the Haverhill Plant was entering the process, each process unit managing the material and each such unit's specific purpose, and any other type(s) of material(s) being managed in each of the process units. In addition, please identify each waste stream generated by the units managing the material from the Haverhill Plant and state how such waste streams were managed by the Frankford Plant.
5. If any other products or co-products besides phenol and acetone were generated by the above-mentioned process lines at the Haverhill Plant, please provide a list and detailed description of any and all such materials, as well as a specific description of where in each process such material was generated.

The provisions of Section 3008 of RCRA, 42 U.S.C. § 6928, authorize EPA to pursue penalties for failure to comply with or respond adequately to an information request under Section 3007(a) of RCRA. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information you provide may be used by EPA in administrative, civil or criminal proceedings.

Your response must include the following signed and dated certification:

I certify that the information contained in this response to EPA's request for information and the accompanying documents is true, accurate and complete. As to the identified portions of this response for which I cannot personally verify their accuracy, I certify under penalty of law that this response and all attachments were prepared in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

Signature: _____
Name: _____
Title: _____

Your Facility is entitled to assert a claim of business confidentiality covering any part or all of the information submitted, in a manner described in 40 C.F.R. § 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with 40 C.F.R. Part 2, Subpart B. Unless a claim of business confidentiality is asserted at the time the requested information is submitted, EPA may make this information available to the public without further notice to your Facility.

This request for information is not subject to review by the Office of Management and Budget pursuant to the Paperwork Reduction Act, 44 U.S.C. §§ 3501-3520.

Please send your response to:

Martin Matlin (3LC70)
U.S. Environmental Protection Agency - Region III
1650 Arch Street
Philadelphia, PA 19103-2029

If you have any questions concerning this matter, please contact Mr. Matlin at (215) 814-5789.

Sincerely,



Carol Amend, Associate Director
Land and Chemicals Division
Office of Land Enforcement

cc: Kevin Soucy, Haverhill Chemical
Martin Matlin (3LC70)
Terri DiFiore (3LC70)

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

I certify that the information contained in this response to EPA's request for information and the accompanying documents is true, accurate and complete. As to the identified portions of this response for which I cannot personally verify their accuracy, I certify under penalty of law that this response and all attachments were prepared in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

NAME (print or type)

SIGNATURE

DATE



David C. Kurland
Chief Counsel
Sunoco, Inc. (R&M)
100 Green Street
Marcus Hook, PA 19061
215-880-9855
dckurland@sunocoinc.com

Via certified mail and email
Tracking # 7006 0810 0002 4543 0992

March 6, 2012

Mr. Martin Matlin (3LC70)
U.S. Environmental Protection Agency - Region III
1650 Arch Street
Philadelphia, PA 19103-2029

Re: RCRA Information Request
Sunoco Inc. (R&M)
EPA ID Nos. PAD0023 12791 and OHD005108477
Reference Number: C12-008

Dear Mr. Matlin:

Sunoco, Inc. (R&M) ("Sunoco") hereby provides the attached response to the Request for Information referenced above relating to the Frankford Plant located at Margaret and Bermuda Streets in Philadelphia, PA (the "Frankford Plant") and the Haverhill Plant located in Haverhill, Ohio (the "Haverhill Plant"). This response provides the requested additional detail to Sunoco's January 17, 2012 response.

Sunoco appreciates your attention to this matter. Please feel free to contact me if you have further questions or concerns.

Sincerely,

David Kurland

David Kurland, Esq.

Response of Sunoco, Inc. (R&M)
EPA Information Request No. C12-008

Request 1: *It is unclear from "Figure 1" which of the Haverhill Phenol Unit 2 Distillation process units was generating the material stream that was ultimately sent to the Frankford Plant for recovery. Please submit a more detailed process flow diagram which identifies each process unit and such unit's specific purpose, the type(s) of material(s) being managed in each of the process units, and which material was ultimately sent to the Frankford Plant. In addition, please provide a detailed narrative which describes the process flow for the Haverhill Phenol Unit 2 Distillation process, including a specific description of the process or processes which produced the material sent to the Frankford Plant for recovery.*

Response:

Introduction: Attachment 1 to Sunoco's January 17, 2012 response was a copy of a letter to the Director of the Pennsylvania Department of Environmental Protection ("PADEP") Bureau of Waste Management dated February 23, 2007 describing a proposed project to bring a phenol intermediate stream from the Haverhill Plant to the Frankford Plant for processing. For the convenience of the reader, another copy of that letter is included as **Attachment 1** of this Response. Figure 1 attached to that letter shows relevant portions of the distillation and product purification process at the Haverhill Plant; Figure 2 shows the Haverhill Plant heavy ends cracking unit; and Figure 3 shows relevant portions of the Frankford Plant distillation section. PADEP responded to Sunoco by letter dated March 13, 2007 that "the Department does not consider that intermediate product stream to be a waste."

Summary: The Haverhill Plant produces phenol, acetone and alphas-methyl styrene ("AMS") from feedstock cumene in two parallel, interconnected and substantially similar continuous production trains, designated as units "Phenol II" and Phenol "III." Figure 1 shows the distillation section of Phenol II. The Phenol III distillation section is the same, except that the numeric equipment designations start with a "4" instead of a "3."

Reaction section: In the front end of each production train, which does not appear on Figure 1, cumene is oxidized in a series of vessels to form cumene hydroperoxide ("CHP"). The CHP is stripped to remove cumene and then fed to a cleavage reactor along with sulfuric acid as a catalyst. The catalyst causes the CHP to cleave, forming phenol, acetone, AMS and other compounds in a mixed liquid hydrocarbon "Cleavage Product" stream. The Cleavage Product is neutralized, water washed, settled to remove water, acid washed, and settled again. The resulting "Crude Product" is fed to a surge tank. The Crude Product is separated and purified into phenol, acetone, AMS and other compounds in the downstream units as discussed below.

Acetone purification: Figure 1 starts on the left side of the page showing the Crude Product feed to crude acetone column 3301E for distillation. Sunoco believes that Figure 1, together with this narrative, contain sufficient detail to respond to Request 1. The overhead "Crude Acetone" from the top of column 3301E is sent to the acetone purification process to recover cumene and produce product acetone and AMS. Figure 1

shows Crude Acetone flowing towards units 3302E, 3303E, 3309E, 3313F and 3312FA/FB, which are several of the major components of the acetone purification process. None of the streams from the acetone purification process were sent to the Frankford Plant.

Phenol purification: The bottom stream from column 3301E is “Crude Phenol.” The Crude Phenol is sent to column 3304E for distillation. The overhead vapor stream from column 3304E is sent to hydrocarbon removal column 3305E, which dries the material and separates light hydrocarbons as overhead vapor. AMS is recovered from this overhead stream, and the remainder of the stream is further processed in neutralization vessel 3217F. The bottoms from column 3305E are sent through resin bed 3301D for additional impurity removal, and then to phenol finishing column 3307E. Finished product phenol is produced as a side draw from column 3307E and sent to tanks 3321FA/FB for storage. The overhead stream from column 3307E is sent back to column 3305 for further processing, and the bottom stream from column 3307E is sent back to column 3304E for further processing.

The liquid bottom stream from crude phenol column 3304E, which contains 20% - 30% phenol, is sent to Surge Tank 317FR. Figure 1 ends and Figure 2 begins at this point.

Request 2: *It is also unclear from “Figure 2” what types of materials were being managed and generated by the Haverhill Heavy Ends (Cracking) Treatment process, including the material stream that was ultimately sent to the Frankford Plant for recovery. Please submit a more detailed process flow diagram which identifies each process unit and such unit’s specific purpose, the type(s) of material(s) being managed in each of the process units, and which material was ultimately sent to the Frankford Plant. In addition, please provide a detailed narrative which describes the process flow for the Haverhill Heavy Ends (Cracking) Treatment process, including a specific description of the process or processes which produced the material sent to the Frankford Plant for recovery.*

Response:

Figure 2 is titled “Haverhill Heavy Ends (Cracking) Treatment” and shows the processing of the liquid phase from the crude phenol distillation columns at the Haverhill Plant for the recovery of phenol. Sunoco believes that Figure 2, together with this narrative, contain sufficient detail to respond to Request 2.

Figure 2 starts at surge tank 317F, which receives the liquid hydrocarbon bottom stream from crude phenol column 3304E in the Phenol II production train and the analogous liquid hydrocarbon bottom stream from crude phenol column 4304E in the Phenol III production train.¹

¹ Figure 2 also shows a flow of “304E Btms” to tank 317FR. Column 304E was part of the Phenol I production train which was shut down before 2008.

Material is pumped out of tank 317FR, mixed in-line with a recirculating aqueous stream from wash decanter 350FR for removal of sodium salts, adjusted for pH by the addition of acid, and adjusted for salt concentration by the addition of water. The resulting hydrocarbon/aqueous mixture enters decanter 350FR for settling and gravity separation into aqueous and hydrocarbon layers. Excess aqueous solution is sent for treatment, and the washed hydrocarbon is sent to vaporizer 348CR for drying.

The washed hydrocarbon exiting decanter 350FR is pre-heated before entering vaporizer 348CR to maintain the vaporizer operating temperature. The vaporizer dries the material and removes some of the phenol as an overhead vapor stream, which is returned to crude acetone column 3301E for processing. The liquid hydrocarbon exiting vaporizer 348CR, which contains 20% - 30% phenol, is Phenol Intermediate.

Beginning in March 2008 the Phenol Intermediate exiting vaporizer 348CR was pumped to tanks 321FA and 321FB for storage, and from there loaded into trucks or railcars and sent to the Frankford Plant for completion of the phenol recovery process. Thereafter, the Haverhill processing units and associated equipment downstream of vaporizer 348CR, i.e. heavy ends column 308EA, reflux accumulator 325F, heat soak tank 328F, and the heat soak furnace, were taken out of service.

Prior to March 2008, the Phenol Intermediate exiting vaporizer 348CR was fed to heavy ends distillation column 308EA. Phenol and other desirable materials were separated and removed as a side draw, and sent back to crude acetone column 3301E for processing and purification. The net liquid material remaining from the distillation process was sent to heat soak tank 328F. A continuous recirculated hydrocarbon flow from this unit was passed through a direct-fired process furnace. The combination of heat and residence time allowed for the thermal cracking of the hydrocarbon (Heavy Ends Cracking), yielding phenol and other desirable materials, as well as residual tar. The overhead vapor from the system was sent back to column 308EA for further fractionation and recovery. The bottom tar from heat soak tank 328F, which contained 2% - 3% phenol, was characterized as K022, and was stored in tanks and used to fuel the on-site plant steam boilers pursuant to appropriate federal and state RCRA and Clean Air Act permits. The K022 was never sent to the Frankford Plant.

Request 3: *Please also supply a detailed narrative describing how the type of material which was sent to the Frankford Plant was otherwise handled when it was not sent to the Frankford Plant for recovery, including any further processing and/or management and disposal procedures occurring at the Haverhill Plant or at any other off-site location, which should also be identified. Please include a description of its final destination if not sent to the Frankford Plant.*

Response:

Please see Sunoco's response to Request 2, above. Specifically, prior to March 2008 the Phenol Intermediate was processed for phenol recovery in the Haverhill Plant heavy ends cracking unit as described above, except that samples may have been sent to the Frankford Plant for trial purposes. Starting in March 2008 and continuing into July 2011

the Phenol Intermediate was sent to the Frankford Plant for completion of the phenol recovery process. The Haverhill Plant heavy ends cracking unit was shut down and not returned to service after March 2008, and was physically removed during the third quarter of 2011.

In July 2011 the Haverhill Plant ceased shipping Phenol Intermediate to the Frankford Plant and began storing the material on-site pending phenol recovery or other use. Beginning in August 2011 newly-produced Phenol Intermediate was used to fuel the on-site plant steam boiler pursuant to appropriate federal and state air and RCRA permits. In addition, between September 2 and September 16, 2011, nineteen (19) truckloads of phenol intermediate were sent to the Veolia West Carrollton facility for disposal. Sunoco divested the Haverhill Plant to an unrelated third party as of October 31, 2011.

Request 4: *With respect to "Figure 3," Frankford Phenol Plant Distillation, please submit a more detailed process flow diagram which clearly identifies where the material from the Haverhill Plant was entering the process, each process unit managing the material and each such unit's specific purpose, and any other type(s) of material(s) being managed in each of the process units. In addition, please identify each waste stream generated by the units managing the material from the Haverhill Plant and state how such waste streams were managed by the Frankford Plant.*

Response:

The attached P&IDs provide additional detail for the relevant equipment shown on Figure 3. **Attachment 2** is a P&ID of the Frankford Plant phenol topping column CL-206, which receives feed streams from several sources for distillation. The overhead from CL-206 is finished product phenol, and may be shipped as is or further purified. The bottom stream from CL-206, which contains significant amounts of phenol, is sent to holding tanks VT-140 and VT-141, and from there to distillation column CL-306 for recovery of the remaining phenol.

Attachment 3 is a P&ID showing crude phenol distillation column CL-306 and its feed tanks VT-140 and VT-141. Attachment 2 has been marked to show where the Haverhill Phenol Intermediate was continuously merged with CL-206 bottoms material in holding tanks VT-140 and VT-141, from which it was fed to CL-306 for recovery of phenol. Phenol comes out overhead from CL-306 and is sent back to the CL-206 feed stream for purification. Attachment 1 has been marked to show the feed of phenol from CL-306 to CL-206. The bottom tar from CL-306, which contains approximately 4% phenol and is not suitable for further processing, is characterized as K022 and is stored in tanks and used to fuel the on-site plant steam boilers pursuant to appropriate federal and state air and RCRA permits.

Request 5: *If any other products or co-products besides phenol and acetone were generated by the above-mentioned process lines at the Haverhill Plant, please provide a list and detailed*

description of any and all such materials, as well as a specific description of where in each process such material was generated.

Response:

Please see Sunoco's responses to Requests 1 and 2.


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Certification on next page

CERTIFICATION

RCRA Information Request
EPA ID Nos. PAD0023 12791 and OHD005108477
Reference Number: C12-008

I hereby certify that the information contained in this response is true, accurate and complete to the best of my knowledge, information and belief after reasonable inquiry.



John D. Pickering
Senior Vice President, Manufacturing
Sunoco, Inc. (R&M)

3/6/2012

Date

Attachment 1

February 23, 2007

Ken Reisinger
Director, Pennsylvania Department of Environmental Protection
Bureau of Waste Management
Rachel Carson State Office Building
P.O. Box 8471
Harrisburg, PA 17105-8471

Re: Phenol Intermediate Stream at Frankford Facility

Dear Mr. Reisinger:

Thank you for the opportunity recently to discuss a project that we are investigating with our sister plant in Haverhill, Ohio. As we discussed at our meeting, we are investigating our options for bringing a phenol intermediate stream containing approximately 30% phenol from the Haverhill Plant to the Frankford Plant to recover in our process. Taking this stream from the Haverhill Plant to Frankford for recovery would allow us to recover a higher amount of phenol than is currently recovered, reduce energy consumption overall, and eliminate the need for a BIF boiler at Haverhill. Because of the nature of the production process at Frankford, the identified stream fits nicely into our operation without changes in the method of operation.

We have reviewed the regulatory issues associated with this project and believe that the transferred stream would not be a waste material. However, the success of this project depends on this determination, so we would like to proactively open discussions with the Agency to review the details of the project and obtain the Agency's opinion.

I have enclosed a few diagrams of the Haverhill and Frankford processes to show the distillation process and where the relative streams would be removed and inserted. Figure 1 is a simplified drawing of the distillation process at Haverhill that shows their process for producing the products and identifies where the streams end up in heavy ends treatment. Figure 2 is an overview of the heavy ends treatment process showing the processes that the heavy materials are subjected to and where the proposed intermediate stream would be collected versus where it is designated as a K022 waste stream now. Figure 3 is an overview of the distillation process at Frankford showing how the current material is processed and where the intermediate stream would be added to the process.

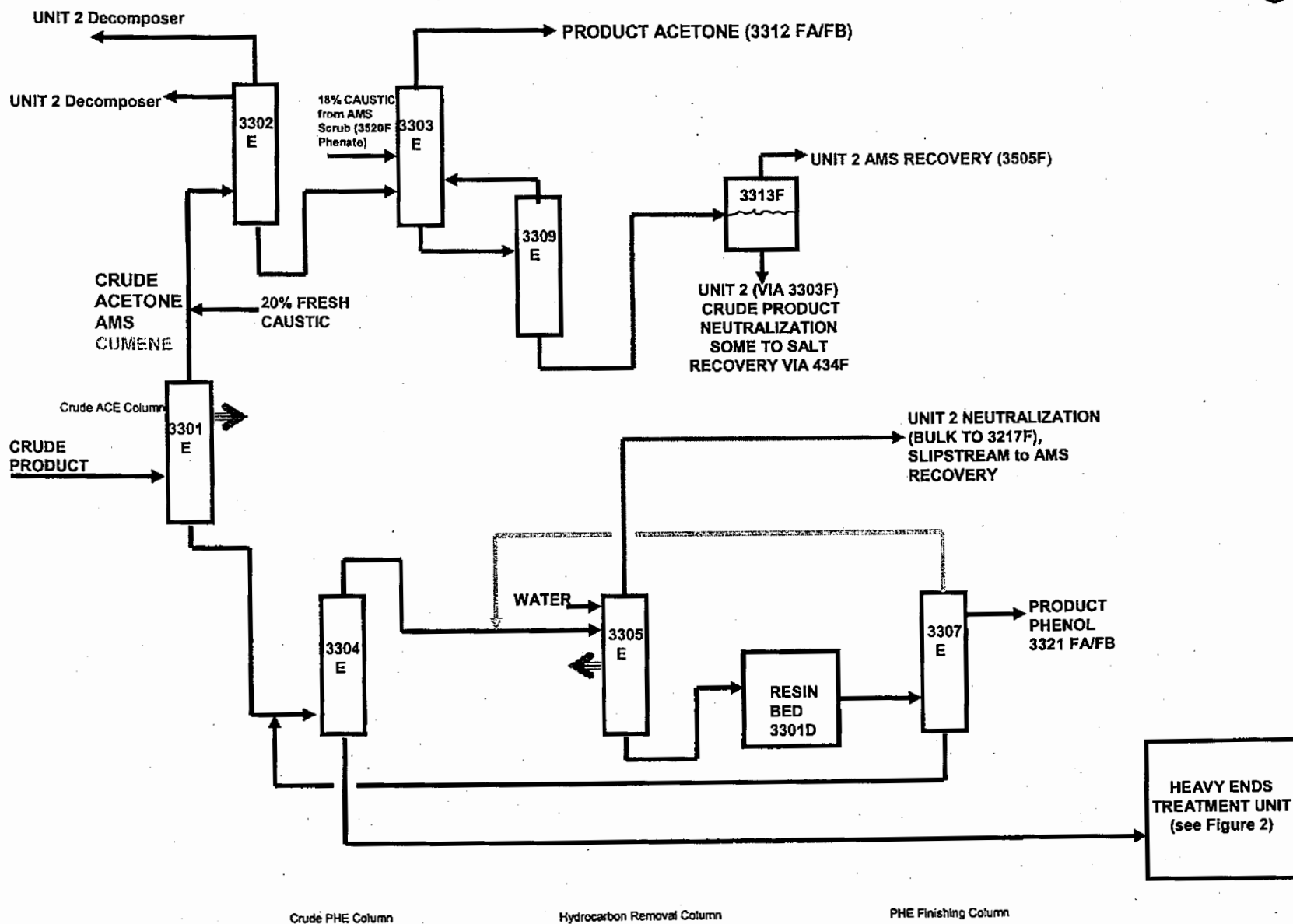
Sunoco would welcome the opportunity to discuss this proposed project further with you or someone you designate in your Department. Please feel free to contact me at (215) 807-8503 so we can arrange a meeting time to discuss this further.

Sincerely,

Chris Bland
Regional HES manager

FIGURE 1

HAVERHILL PHENOL UNIT 2 DISTILLATION



HAVERHILL HEAVY ENDS (CRACKING) TREATMENT

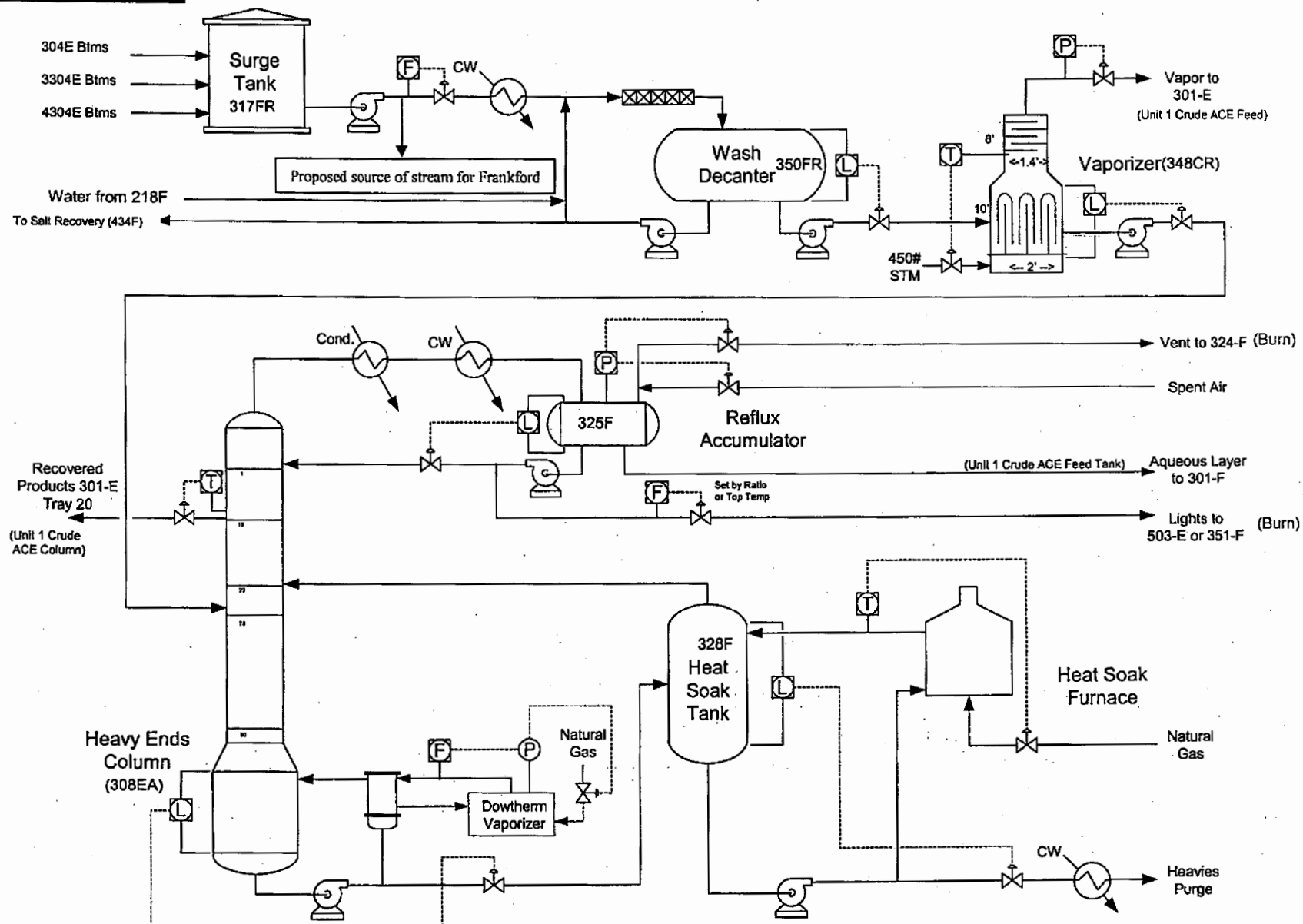
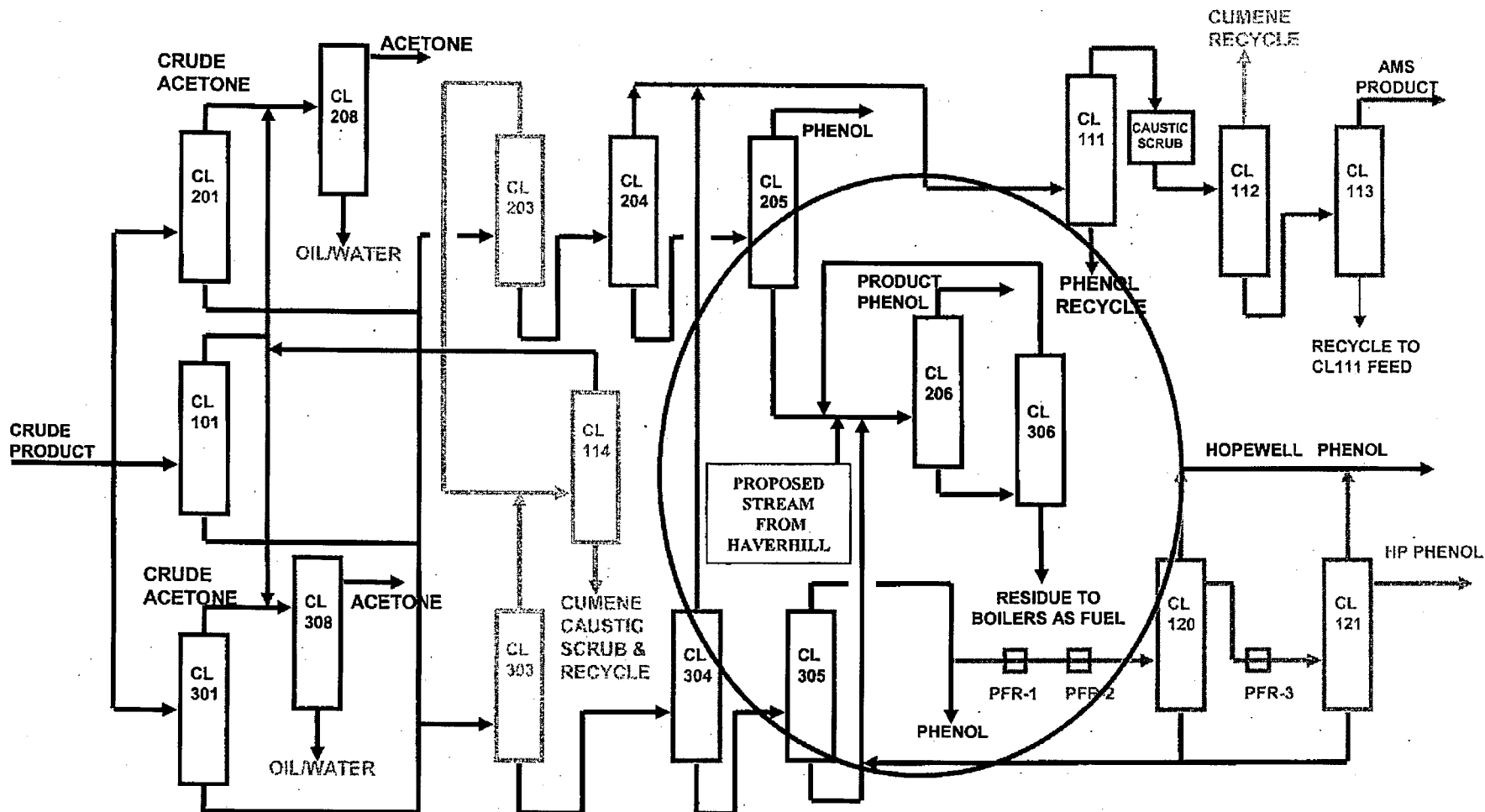
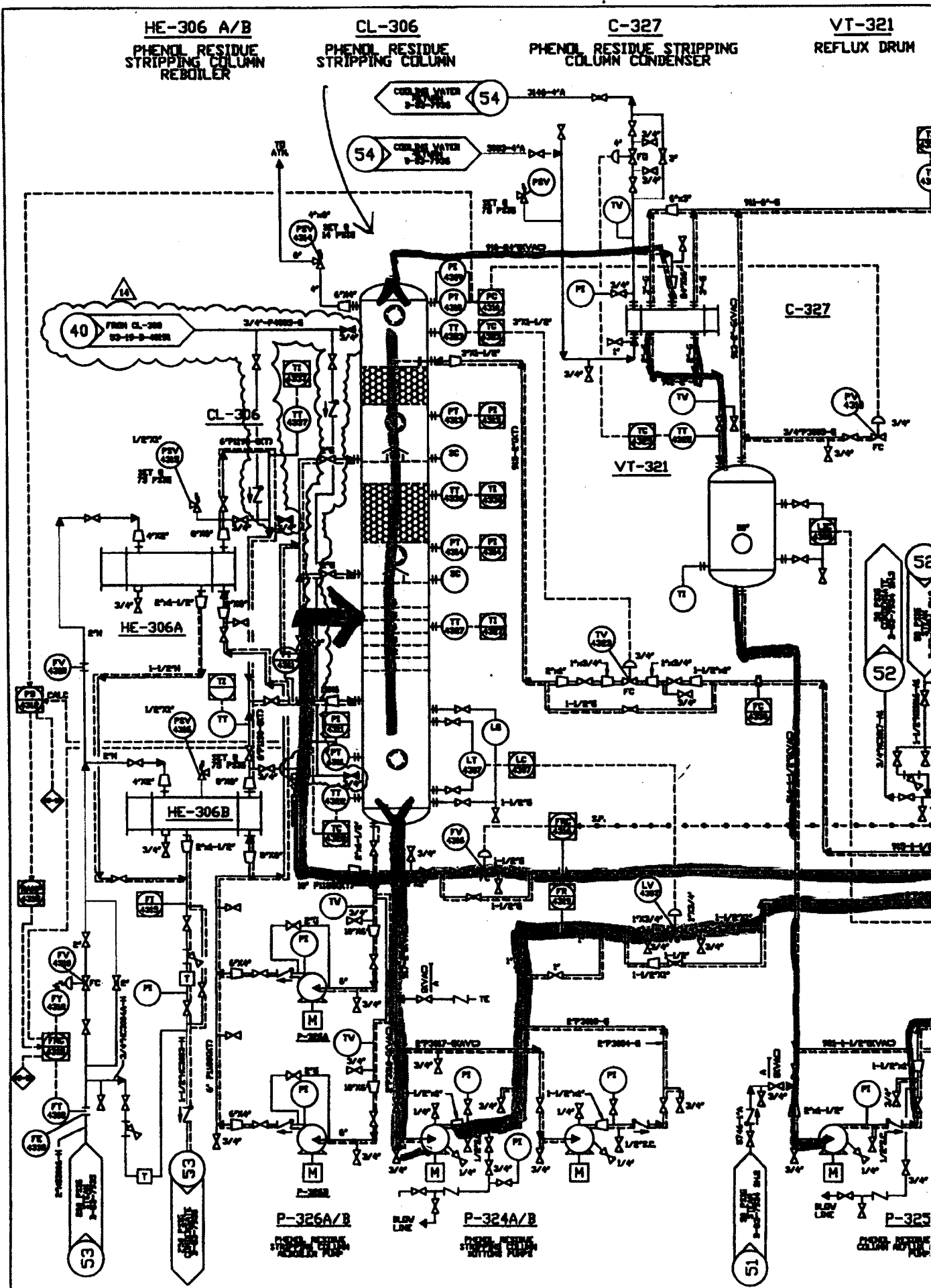


FIGURE 3

FRANKFORD PHENOL PLANT DISTILLATION



Attachment 2

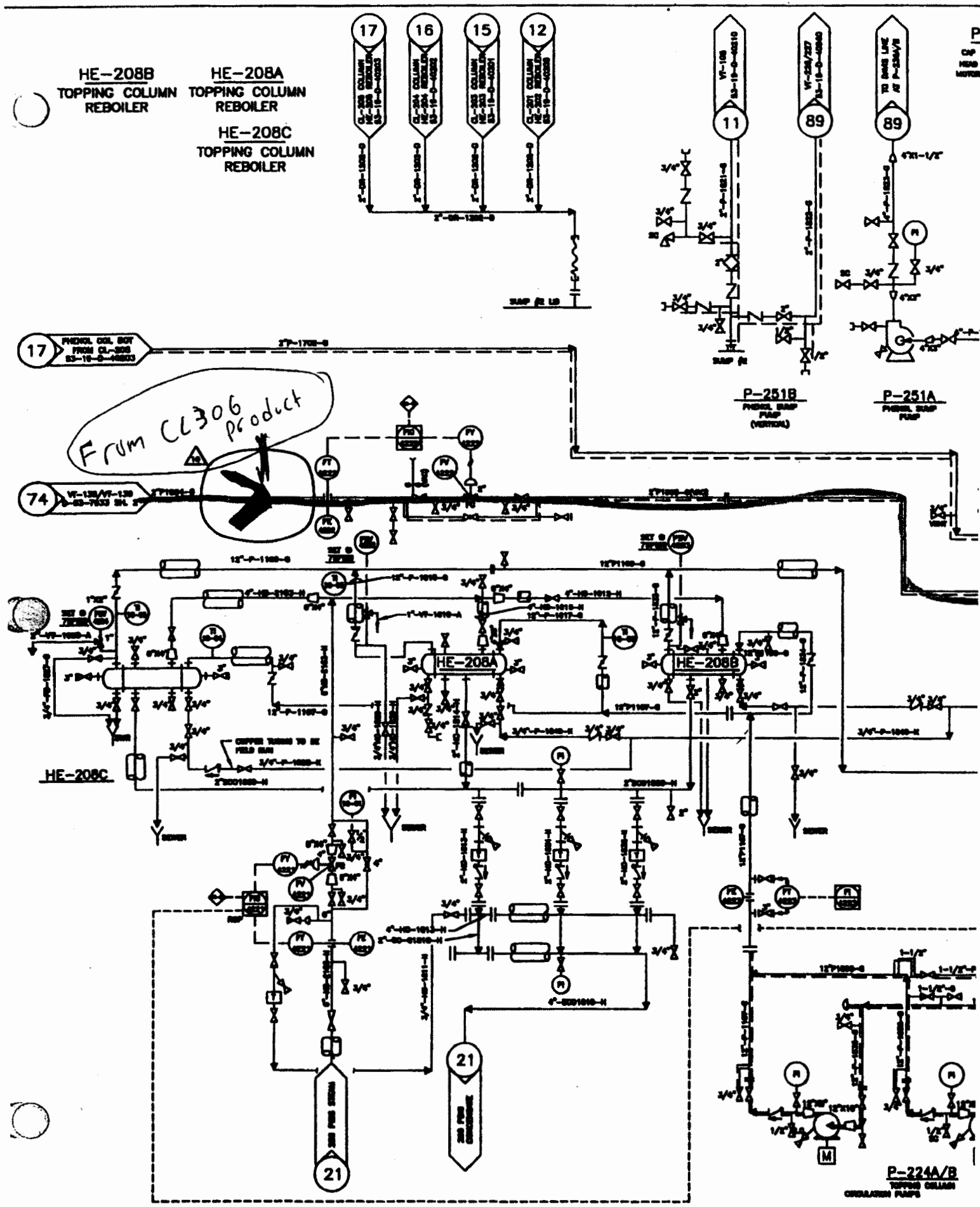


Attachment 3

HE-208B
TOPPING COLUMN
REBOILER

HE-208A
TOPPING COLUMN
REBOILER

HE-208C
TOPPING COLUMN
REBOILER



• INDICATES THE PSM COVERED PROCESS

REGION: 1 2 3 4 5 6 7 8 9 10 HQ CIN TRAVEL JURYDUTY CARDFUNDS TUITION IAG PARKING

HEATHER BLAKE ELIZABETH KIM LORI DICK DANA JOE MICHELLE PATTI CRAIG KEN JESS

COLLECTION INFORMATION

DEPOSIT NUMBER: 2702413

SUSPENSE ☐

LIABILITY ☒

COLLECTION TYPE: CNR CFR CDV

COLLECTION NUMBER: RCRA-03-2012-2081

BILL TYPE: NN NF SN SF RJ JV MN MF TO RQ

BILL NUMBER: _____

COLLECTION DONE BY: JESS

ENTERED DATE: 10/23/12

IPAC TO HQ LV RTP


Accounting

CNR/CFR	BFY	FUND	ORG	PRC	FOC	PROJECT	AMOUNT	LINE
001		80					\$ 117,000.00	

QUALITY MEANS MEETING THE REQUIREMENTS BOX 979077
SEQ# 030 \$ 0011700000 BA# 291 10-22-12 20 4



usbankcorp.
First Star Service Corporation

 SUNOCO, INC. (R&M) SUITE LL 11TH FL 1735 MARKET STREET PHILADELPHIA, PA 19103-7583		00021 62906 00021	VENDOR PAYMENT PAYMENT DATE: 10-03-2012 PAYMENT NO.: 6002862906
PAY TO THE ORDER OF:		Wachovia Bank of Delaware National Association	
UNITED STATES TREASURY US EPA FINES & PENALTIES CINCINNATI FINANCE CENTER P O BOX 979077 ST LOUIS MO 63197-9000		PAY EXACTLY \$*****117,000.00 <i>Kathia A. Vival</i> AUTHORIZED SIGNATURE	
⑈6002862906⑈ ⑆031100225⑆ 2079950038481⑈ ⑆0011700000⑆			



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

JUL 26 2012

via UPS

John D. Pickering
Senior Vice President, Manufacturing
Sunoco, Inc. (R&M)
100 Green Street
Marcus Hook, PA 19061

and

David Kurland, Esq.
Chief Counsel
Sunoco, Inc. (R&M)
100 Green Street
Marcus Hook, PA 19061

Re: Request for Further Information and Opportunity to Show Cause

Dear Mr. Pickering and Kurland:

This letter is a follow-up to a compliance evaluation inspection ("the Inspection" or the "Facility Inspection") conducted on September 28-29, 2010 at the Sunoco, Inc. (R&M) ("Sunoco R&M") facility located at 4701 Margaret and Bermuda Street, Philadelphia, PA (the "Facility"), by a duly authorized representative ("Inspector") of the U.S. Environmental Protection Agency ("EPA" or "the Agency"). The purpose of the Inspection was to determine compliance with the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. §§ 6901, et seq., the federal hazardous waste regulations set forth at 40 C.F.R. Parts 260-266, 268 and 270-273, and the authorized Commonwealth of Pennsylvania Waste Management Program, which it administers in lieu of the federal hazardous waste management program.

The Commonwealth of Pennsylvania has received federal authorization to administer a Hazardous Waste Management Program (the "Pennsylvania Hazardous Waste Management Program") *in lieu* of the federal hazardous waste management program established under RCRA Subtitle C, 42 U.S.C. §§ 6921-6939e. Effective January 30, 1986, the Commonwealth of Pennsylvania Hazardous Waste Regulations ("PaHWR") were authorized by the U.S. Environmental Protection Agency ("EPA") pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), and 40 C.F.R. Part 271, Subpart A. The PaHWR subsequently were revised, and thereafter re-authorized by EPA, on September 26, 2000, January 20, 2004, and April 29, 2009. Such authorized revised PaHWR requirements and provisions became effective on November 27, 2000, March 22, 2004, and June 29, 2009 respectively. The PaHWR incorporate, with certain exceptions, federal hazardous waste management regulations that were in effect as of May 1,

1999 (and as of July 6, 1999 for certain regulations regarding Universal Waste) for the November 27, 2000 PaHWR authorization, June 28, 2001 for the March 22, 2004 PaHWR authorization, and October 12, 2005 for the April 29, 2009 PaHWR authorization. The provisions of Pennsylvania's current authorized revised PaHWR, codified at 25 Pa. Code Chapters 260a-266a, 266b, and 268a-270a, have thereby become requirements of RCRA Subtitle C and are enforceable by EPA pursuant to RCRA § 3008(a), 42 U.S.C. § 6928(a). *See* 25 Pa. Code § 260a.3(e).

Section 3008(a) of RCRA authorizes EPA to take enforcement action whenever it is determined that a person is in violation of any requirement of EPA's regulations implementing RCRA Subtitle C, or any regulation of a state hazardous waste program, like Pennsylvania's, which has been authorized by EPA. Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), authorizes the assessment of a civil penalty against any person who violates any requirement of Subtitle C of RCRA.

Based upon the information currently available to the Agency, EPA believes that there is a sufficient basis for the issuance of an Administrative Complaint against Sunoco (R&M) seeking the assessment of a civil penalty and containing a Compliance Order requiring the Facility to comply with RCRA and the authorized provisions of the PaHWMR. Prior to issuing an Administrative Complaint, EPA is providing representatives of Sunoco (R&M) with the opportunity to meet and/or confer with EPA representatives, provide additional relevant information and "show cause" as to any reasons why EPA should not file an Administrative Complaint for the violations preliminarily identified and described below. EPA is also inviting Sunoco (R&M) to discuss with EPA the possibility of entering into a settlement of the violations without litigation.

I. VIOLATIONS AND SUPPORTING FACTS

Violation #1. Operation Without a Permit or Interim Status

Prior to and at the time of the Inspection, Sunoco R&M was a generator of hazardous waste at the Facility. 25 Pa. Code § 270a.1, with exceptions not relevant to this matter, incorporates by reference the federal regulations in 40 C.F.R. Part 270, including 40 C.F.R. § 270.1, which provides that no person may own or operate a facility for the treatment, storage or disposal of hazardous waste without first obtaining a permit or interim status for such facility. EPA has determined that Sunoco R&M's Facility is a large quantity generator of hazardous waste.

While the Pennsylvania Department of Environmental Protection issued Sunoco R&M a permit modification on September 19, 2007 (original permit issued June 29, 1990) for hazardous waste treatment, storage and disposal (Permit # PAD002312791), the permit does not address the hazardous waste stored at tank VT-132 or storage of spent acid batteries nor did the Facility have interim status for such tank and batteries.

Sunoco R&M operated a series of tanks at the Facility that the Facility identified as less than 90-day storage tanks during EPA's September 28-29, 2010 Facility Inspection. One of these



tanks is identified as VT-132. From June 13, 2008 until February 25, 2009, Sunoco R&M stored approximately five feet of phenol residue sludge which is a hazardous waste with a waste code of K022. The K022 hazardous waste was not completely cleaned out from tank VT-132 until March 30, 2009. As a result, the hazardous waste in Sunoco R&M's tank VT-132 did not qualify for the 90-day storage exemption from permitting requirements from June 13, 2008 to March 30, 2009 (291 days). See 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. Part 262, including 40 C.F.R. § 262.34, which sets forth the conditions for qualify for the 90 day storage exemption from the hazardous waste permit requirement.

In addition, as part of the 90-day storage exemption of 25 Pa. Code § 262a.10, incorporating 40 C.F.R. § 262.34(a), a generator of hazardous waste must design, construct, maintain and operate its facility to minimize the possibility of, *inter alia*, any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment as set forth in of 25 Pa. Code § 265a.1, which incorporates by reference 40 C.F.R. § 265.31. On September 28, 2010, during EPA's Facility Inspection, the inspector observed several lead acid batteries in a golf cart. One of the batteries had broken apart and its battery acid had leaked onto the golf cart bed. The battery acid is a hazardous waste exhibiting the characteristics of corrosivity (D002). The leaking battery acid onto the golf cart bed indicates that the Facility was not being operated in a manner to minimize the possibility of a release of hazardous waste and, therefore the storage of the leaked battery acid on September 28, 2010 did not qualify for the 90-day storage exemption from permitting requirements set forth in 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. Part 262, including 40 C.F.R. § 262.34.

By virtue of the above, Sunoco R&M failed to satisfy the permit exemption conditions set forth in 25 Pa. Code § 262a.10, incorporating 40 C.F.R. § 262.34(a), and therefore was storing hazardous waste without a permit or interim status from June 13, 2008 until March 30, 2009 and again on September 28, 2010, in violation of 25 Pa. Code § 270a.1, which incorporates by reference 40 C.F.R. § 270.1.

Violation #2. Failure to Maintain the Facility to Minimize the Possibility of a Release

On September 28, 2010, Sunoco R&M stored hazardous waste at the facility without a RCRA permit for the leaking battery acid in violation of, 25 Pa. Code § 270a.1, which incorporates by reference 40 C.F.R. § 270.1, as discussed above in Violation #1. As a result, Sunoco R&M was required to comply with the provisions of 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.31, which requires that facilities be designed, constructed, maintained and operated to minimize the possibility of, *inter alia*, any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil or surface water which could threaten human health or the environment. On September 28, 2010, during the Facility Inspection, the Inspector observed a lead acid battery in a golf cart. The battery was broken apart and its battery acid had leaked onto the golf cart bed. The battery acid is a hazardous waste exhibiting the characteristics of corrosivity (D002). The leaking of the battery acid onto the golf cart bed indicates that the Facility was not being operated in a manner to minimize the possibility of a release of hazardous waste and, therefore is a violation of the



waste minimization requirements of 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.31.

Violation #3. Failure to Keep Universal Waste Lamps in a Closed Container

25 Pa. Code § 266b.1, which incorporates by reference 40 C.F.R. § 273.13(d), requires that small quantity handlers of universal waste lamps to contain any universal waste lamp in containers or packages that remain closed. At the time of EPA's September 28-29, 2010 Facility Inspection, one box of spent fluorescent lamps was found in an improperly closed box at the Catox Substation, in violation of 25 Pa. Code § 266b.1, which incorporates by reference 40 C.F.R. § 273.13(d).

II. REQUEST TO SHOW CAUSE

EPA has determined that the issuance of an Administrative Complaint seeking assessment of a civil penalty concerning the aforesaid violations and issuance of a Compliance Order requiring compliance with the PaHWMR is the appropriate enforcement response in this matter.

Prior to issuing this Administrative Complaint, however, EPA is providing Sunoco R&M with the opportunity to confer with the Agency and show cause as to why an Administrative Complaint should not be issued by the Agency in this matter. **EPA is requesting that Sunoco R&M contact the Agency within ten (10) calendar days of receipt of this letter to discuss this matter.** This opportunity will be made available at a meeting with EPA in Philadelphia on a mutually convenient date or by telephone conference. To facilitate settlement discussions and to supplement EPA's understanding of the compliance activities taken by Sunoco R&M concerning these alleged violations, EPA requests that Sunoco R&M submit such additional documentation which may be in its possession or control that identifies any and all measures taken to address the violations identified herein. Please send any and all supplemental information that you wish EPA representatives to review and consider in this matter to the attention of either:

Martin Matlin
U.S. Environmental Protection Agency, Region III
Office of Land Enforcement (3LC70)
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029;

or

Jim Heenehan
Sr. Assistant Regional Counsel
U.S. Environmental Protection Agency, Region III
Office of Regional Counsel (3RC30)
1650 Arch Street
Philadelphia, Pennsylvania 19103.



Please contact Martin Matlin of the RCRA Office of Land Enforcement at (215) 814-5789, or, if represented by an attorney, have your counsel contact Jim Heenehan of the Office of Regional Counsel, US EPA Region III at (215) 814-2640, to discuss this matter further.

Please be advised, however, if this matter is not resolved within sixty days after your receipt of this letter, EPA may proceed with the issuance of an Administrative Complaint.

If in the course of discussing this matter with the Agency, Sunoco R&M intends to submit documents or information to EPA, please be advised that Sunoco R&M is entitled to assert a claim of business confidentiality covering any part or all of the information Sunoco R&M submits to EPA pursuant to this Request to Show Cause, in the manner described in 40 C.F.R. § 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with 40 C.F.R. Part 2, Subpart B. Unless a claim of business confidentiality is asserted at the time the information is submitted to EPA, EPA may make this information available to the public without further notice to Sunoco R&M.

Sunoco R&M must also include as part of any submission of information or documentation to EPA pursuant to this Request to Show Cause the following certification signed and dated by a responsible corporate officer of your corporation:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this response to Information Request and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining or compiling the information, I believe that the submitted information is true, accurate, and complete. I recognize that there are significant penalties for submitting false and/or misleading information, including the possibility of fine and/or imprisonment."

Signature: _____
Printed Name: _____
Title: _____

Additionally, please find enclosed a document entitled "Information Sheet" concerning Small Business Resources and the Small Business Regulatory Enforcement and Fairness Act ("SBREFA"). This enclosure provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve Sunoco R&M of its obligation to respond in a timely manner to an EPA enforcement action, create any rights or defenses under law, and will not affect EPA's decision to pursue this enforcement action. To preserve Sunoco R&M's legal rights, Sunoco R&M must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action.

Finally, please be advised that certain companies may be required to disclose to the Securities and Exchange Commission the existence of certain pending or known to be



contemplated environmental legal proceedings (administrative or judicial) arising under Federal, State or local environmental laws. Please see the attached "Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings" for more information about this SEC requirement.

Sincerely,



for Carol Amend, Associate Director
Office of Land Enforcement

cc: Martin Matlin (3LC70)
James Heenehan (3RC30)



REFERENCES AND ENCLOSURES

A. October, 1990 - RCRA Civil Penalty Policy:
<http://www.epa.gov/oust/directiv/od961012.htm>

B. SEC Notice (enclosed).


C. Small Business Resources and the Small Business Regulatory Enforcement and Fairness Act ("SBREFA") (enclosed).



contemplated environmental legal proceedings (administrative or judicial) arising under Federal, State or local environmental laws. Please see the attached "Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings" for more information about this SEC requirement.

Sincerely,

Carol Amend, Associate Director
Office of Land Enforcement

CONCURRENCES								
SYMBOL	▶	3RC30	3LC70					
SURNAME	▶	J.Heenehan	M.Matlin					
DATE	▶	3H 7/25/12						
EPA Form 1320-1 (12-70)								OFFI

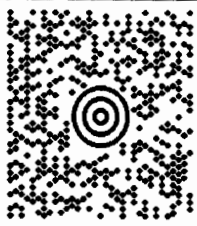

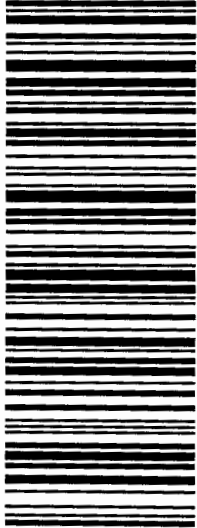

UPS CampusShip: View/Print Label

1. **Ensure there are no other shipping or tracking labels attached to your package.** Select the Print button on the print dialog box that appears. Note: If your browser does not support this function select Print from the File menu to print the label.
2. **Fold the printed sheet containing the label at the line so that the entire shipping label is visible. Place the label on a single side of the package and cover it completely with clear plastic shipping tape. Do not cover any seams or closures on the package with the label.** Place the label in a UPS Shipping Pouch. If you do not have a pouch, affix the folded label using clear plastic shipping tape over the entire label.
3. **GETTING YOUR SHIPMENT TO UPS**
UPS locations include the UPS Store®, UPS drop boxes, UPS customer centers, authorized retail outlets and UPS drivers.
Find your closest UPS location at: www.ups.com/dropoff
Take your package to any location of The UPS Store®, UPS Drop Box, UPS Customer Center, UPS Alliances (Office Depot® or Staples®) or Authorized Shipping Outlet near you. Items sent via UPS Return Services(SM) (including via Ground) are also accepted at Drop Boxes. To find the location nearest you, please visit the Resources area of CampusShip and select UPS Locations.

Customers with a Daily Pickup

Your driver will pickup your shipment(s) as usual.

FOLD HERE

MARTIN MATLIN 215-814-2081 US EPA 1650 ARCH ST PHILADELPHIA PA 19103	1.0 LBS LTR 1 OF 1
SHIP TO: JOHN D. PICKERING SUNOCO, INC. (R&M) 100 GREEN STREET MARCUS HOOK PA 19061-4800	
	PA 194 9-06 
UPS NEXT DAY AIR SAVER 1P TRACKING #: 1Z A43 F71 13 9835 5513	
	
BILLING: P/P	
Reference # 1: Martin Matlin 215 814-5789	
CS 14 5 29 WNTIE70 30.0A 07/2012 	

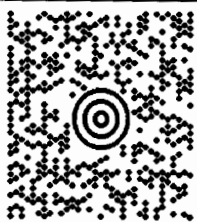

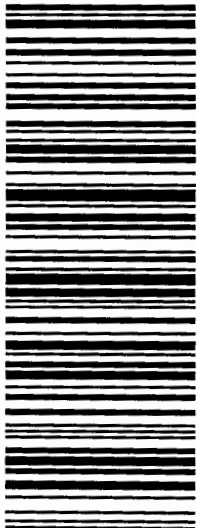

UPS CampusShip: View/Print Label

1. **Ensure there are no other shipping or tracking labels attached to your package.** Select the Print button on the print dialog box that appears. Note: If your browser does not support this function select Print from the File menu to print the label.
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Take your package to any location of The UPS Store®, UPS Drop Box, UPS Customer Center, UPS Alliances (Office Depot® or Staples®) or Authorized Shipping Outlet near you. Items sent via UPS Return Services(SM) (including via Ground) are also accepted at Drop Boxes. To find the location nearest you, please visit the Resources area of CampusShip and select UPS Locations.

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FOLD HERE

LILLIAN ANDRELCZYK 215-814-2081 US EPA 1650 ARCH ST PHILADELPHIA PA 19103	1.0 LBS LTR 1 OF 1
SHIP TO: DAVID KURLAND, ESQ. CHIEF COUNSEL SUNOCO, INC. (R&M) 100 GREEN STREET MARCUS HOOK PA 19061-4800	
	PA 194 9-06 
UPS NEXT DAY AIR SAVER 1P TRACKING #: 1Z A43 F71 13 9544 6500	
	
BILLING: P/P	
Reference # 1: Martin Matlin 215 814-5789 CS 14.5.29. WNTIE/0 30.0A 07/2012	
	



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

via UPS

Terry Soule

Sept. 19, 2012

Sunoco, Inc. (R&M)
100 Green Street
Marcus Hook, PA 19061

Re: Consent Agreement and Final Order

Dear Terry:

In addition to the pdf version I sent you this morning, I have enclosed a hard copy of the Consent Agreement and Final Order (CAFO) for the alleged RCRA violations at the Sunoco, Inc. (R&M) former facility at 4701 Margaret Street, Philadelphia, PA. I have also enclosed a self-addressed, prepaid UPS envelope for Sunoco's ease in returning the CAFO returned to us. As I noted in my email, it would be helpful for us if the signed agreement could be filed by Friday, September 28 as that is the end of our fiscal year. Since it takes a couple of days for the CAFO to wind its way through the half-dozen people at EPA who need to review and sign the agreement, it would be helpful to get the CAFO back by Monday or Tuesday of next week. Of course, that is contingent on Sunoco's agreement that the CAFO is acceptable in its current form. Should anyone at Sunoco have any questions or comments upon the enclosed, please contact me at your or their earliest convenience so we can discuss and resolve such issues in a timely fashion. Again, I can be reached at (215) 814-2640.

Thanks you very much for your assistance in getting this resolved.

Sincerely,

A handwritten signature in black ink, which appears to read "Jim Heenehan". The signature is written in a cursive, flowing style.

Jim Heenehan
Sr. Asst. Regional Counsel

cc: Martin Matlin (3LC70)